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SUBJECT: KAZAKHSTAN: PRESIDENTIAL ELECTION ROUNDUP,
OCTOBER 21

REF: State 3790

1. (U) This is the fifth in a series of weekly election roundups, in advance of Kazakhstan's December 4, 2005 presidential elections. Items were drawn primarily from the local press and media.

CEC in Action -----

2. (U) As of October 21, three candidates - Nazarbayev, Tuyakbay, and leader of the Tagibat environmental movement Mels Eleusizov - had been officially registered by the CEC. One additional candidate, Karishal Asan, withdrew from the race. Five other potential candidates - Abylkasymov, Baimenov, Oten, Kaisarov and Tleulesov - are still collecting signatures.

3. (U) On October 14, the CEC held a round-table discussion with political parties, public organizations, local and international NGOs to discuss transparency of the elections and observation. The CEC gave a detailed description of the procedures for observation during the election campaign and voting. According to the CEC, a number of shortcomings of previous elections have been addressed: representatives of candidates and their parties are free to observe any election commission at any level, including hospitals, military units and prisons; observers can ride in the vehicles that carry ballot boxes to voters who have the right to vote at home (sick, elderly people); observers can take pictures and tape any discussions at election commissions and use those in complaints of violations by election commissions. The discussion following the CEC briefing turned into a dispute between pro-presidential and opposition groups. CEC secretary Vladimir Foos characterized demands by the opposition that election commissions be reformed and that electoral legislation be amended as an attempt to disrupt the upcoming elections.

4. (U) As a follow-up to the roundtable, the CEC held a workshop for regional election commissions on October 17 to equip them with guidelines on cooperation with observers. The CEC recognized the importance of the cooperation of all election commissions with observers in ensuring the transparency of elections. The CEC announced that centers to support observers would be set up to promote such cooperation in all the 16 regions of Kazakhstan.

5. (U) On October 19, the CEC issued a statement spelling out responsibilities of the local government, election commissions and voters in ensuring the accuracy of voter lists. According to the CEC, voter lists are to be compiled by local administrations using information provided by the Ministry of Justice. If a voter notifies local authorities at least 30 days before election day that he will be away from his place of registry on December 4, then the administration will put his name on an appropriate voters' list. If a voter notifies his local electoral commission 15 days before the election that he will be away, the commission will give him an absentee permit, allowing him to vote in a different place. If a person fails to find his name on the voter list on election day, he can prove his right to vote by providing a resident registration book. Voter lists will be posted in precinct election commission offices 15 days before the election date, i.e. from November 18 to December 3.

6. (U) The CEC also determined the media outlets that will carry candidates' campaign ads paid by the government: Kazakhstan TV, Kazakh radio, and two official newspapers, the Kazakh language "Yegemen Kazakhstan" and Russian language "Kazakhstanskaya Pravda." All candidates are to receive equal time, space and terms.

OSCE Observers -----

7. (U) During an October 18 press conference, chief of the OSCE observer mission Ambassador Audrey Glover refuted the

CEC's criticism of the OSCE's observation methods (reftel). Ambassador Glover underscored the absolute impartiality of her mission and readiness to deliver an

objective assessment of the elections. She explained that OSCE/ODIHR observers would watch the registration process; the work of election commissions and local governments at all levels; election campaigning, including freedom of speech and assembly and equal media coverage of the candidates' campaigns; the application of e-voting; and the way that complaints and protests are addressed.

18. (U) According to Ambassador Glover, Kazakhstan failed to implement recommendations on improvement of election legislation made by the OSCE experts after last year's parliamentary elections. To make matters worse, Glover noted, Kazakhstan passed two laws with a negative impact on the freedom of assembly. She added that if the CEC adheres to the commitments outlined in its October 11 statement, however, that would address some of the OSCE's recommendations.

State Media Pledge Objectivity

19. (U) On the eve of the October 25 start of election campaigning, the heads of leading state media outlets issued a statement in support of the CEC's statement on fair and transparent elections. They reiterated their commitment, first announced in the September 28 media charter for fair elections, to provide equal terms for coverage of all candidates' election campaigns. In addition to the government-funded time and space for candidates to present their programs, they can purchase additional time and space at their own expense. Election campaigns would also be covered by media in their news reports. The media chiefs unanimously rejected "dirty" campaign methods and libel.

Mazhilis on Elections

10. (U) On October 19, the Otan parliamentary faction introduced a draft appeal to the people of Kazakhstan, leaders of the government, political parties, public organizations and candidates for President to hold fair and open elections. The statement is expected to be approved by the Mazhilis.

11. (U) At the October 19 plenary meeting of the Mazhilis, Yerasyil Abylkasymov accused opposition leader Tuyakbay of trying to stage a violent seizure of power under the guidance of "black ravens and vultures from overseas." He demanded that the Parliament hold a closed meeting with law enforcement representatives to discuss what he called the opposition's intent to stage a "color" revolution. The motion did not pass, however, as most of his colleagues dismissed his statement as an act of illegal election campaigning.

Procuracy Issues an Additional Warning

12. (U) On October 17, FJK published a letter from the General Procuracy responding to their inquiry on the Giffen case. The Procuracy warned the opposition about the penalty for insulting a Presidential candidate's dignity and honor (par. 7, article 27 of the election law), along with the penalty for insulting the honor and dignity of the President under article 318 of the Criminal Code.

Baimenov's Headquarters Criticizes Khabar TV Channel

13. (U) Candidate Alikhan Baimenov's campaign headquarters criticized the procedure by which the Khabar TV channel plans to broadcast candidates' campaign materials. According to campaign head Lyudmila Zhulanova, Khabar notified Ak Zhol that it would begin accepting campaign materials only on October 26 and that they would not be broadcast for three more days. Zhulanova complained that as the election campaign starts on October 25, candidates will lose four days. In addition, Khabar announced that campaign ads must be between 30 seconds and a minute long. One minute of air time will cost \$10,000, which Zhulanova complained was too expensive. Khabar has also decided that campaign ads will not be shown during prime time, from 20:00 to 22:00.

Opposition Leaders Fined for Unsanctioned Rally

14. (U) Opposition leaders Tolen Tokhtasynov, Amirzhan

Kosanov, Gulzhan Yergaliyeva, Bulat Abilov and Oraz Dzhandosov were charged with administrative violations for organizing unsanctioned rally in Almaty on October 8 (reftel). On October 12, the Almaty Administrative Court found Tokhtasynov guilty and fined him 50,000 tenge (\$375). On October 14, Kosanov was fined 10,000 tenge (\$75). On October 17, Yergaliyeva was fined 15,000 tenge (\$112). Abilov was detained following a press conference and escorted to the Almaty Administrative Court by police on October 17; he was fined 50,000 tenge (\$375). On October 18, Dzhandosov was fined 20,000 tenge (\$150).

Procuracy Warns against Reading Opposition Press -----

15. (U) According to an FJK press release, on October 14 in the village of Pavlovka in Akmola Oblast, a local police superintendent officer detained three schoolteachers, Temirtas Akhmetov, Amanzhol Sarshal and Beybitkhan Mautay, and escorted them to the district prosecutor's office. The grounds for the detention was reportedly the fact that Akhmetov and his wife shared the opposition press with their colleagues. The school principal and his deputy were also present in the procurator's office when the prosecutor indicated that Akhmetov could lose his job because his educational background was inappropriate.

Svoboda Slova Seized, Tuyakbay Briefly Detained -----

16. (SBU) At 7:00 am on October 19, the police seized 50,000 copies of the opposition "Svoboda Slova" ("Freedom of Speech") newspaper, or half the total print run, from the Daur printing house in Almaty. They were acting on the basis of a decision signed by the head of the Almaty election commission, Daulet Baydeldinov, which charged editor-in-chief (and DCK activist) Gulzhan Yergaliyeva with insulting President Nazarbayev's dignity and honor. In the editorial, entitled "Just a Dictator," Yergaliyeva referred to Andrea Koppel's October 13 question to Nazarbayev: "Why do they call you a common dictator? Is it true that your children put the economy and mass media of the country under their control?" Yergaliyeva wrote that because Nazarbayev responded that Khabar is a state company and Dariga does not own it, and that his second daughter is not involved in business, he had misinformed the media. She then enumerated the media companies that Dariga reportedly owns, including Khabar, El Arna, Caspian Net, Eurasia, and several satellite stations. Yergaliyeva also alleged that second daughter Dinara and her husband Timur Kulibayev own a controlling interest in Halyk Bank.

17. (SBU) At the request of the Svoboda Slova editorial staff, POEC and PA FSNs went to the Daur printing house at 12:30 on October 19 to observe the scene when police arrived to seize the other 50,000 copies of the paper. Three minivans loaded with copies of the paper left for For a Just Kazakhstan (FJK) headquarters. The road police followed the vehicles and managed to stop the last van near FJK headquarters. While the driver argued with the police, FJK staff arrived and carried away the papers.

18. (SBU) At approximately 15:00, the police arrested five journalists who were outside FJK headquarters and took them to the local police precinct. The journalists were from Svoboda Slova, the Internet publication Stan.kz (two individuals), the Zhuma Times newspaper, and the Soz-Respublika newspaper. The police seized the journalists' videotapes; after two hours they were released with no charges filed.

19. (SBU) At 17:00, FJK leaders contacted post to say that police were gathering around their headquarters and it appeared they intended to storm the building to seize the remaining papers. When POEC chief and POEC FSN arrived, road police detained FJK presidential candidate Zharmakhan Tuyakbay and his security escorts on the side of the road and searched their vehicles. When asked the legal grounds for the search, the police replied that they

have the right to search any vehicle. A crowd of media, foreign observers (OSCE, EU, U.S.), FJK activists, and curious passersby quickly gathered, at which point the police allowed Tuyakbay and his security escort to depart.

20. (SBU) On October 20, the road police stopped and searched the car in which Altynbek Sarsenbayev, a co-chairman of the opposition True Ak Zhol party, was leaving the FJK office. The police were allegedly looking for explosives. The same day, police detained the editor-in-chief of the opposition Pravda Kazakhstan newspaper, Amantay Akhetov, as he was leaving the office of FJK. When Akhetov refused to open his bag (containing several copies Svoboda Slova), the police took him to the precinct

police office. He was released after surrendering his copies of Svoboda Slova.

¶21. (SBU) In an October 21 ruling, the Almaty administrative court confirmed the order of the Almaty electoral commission regarding the seizure of Svoboda Slova. The court ordered that all copies be destroyed. The OSCE-ODIHR observation mission is still reviewing Kazakhstani electoral legislation, but at this point believes that the electoral commission had no authority to order the seizure and so the police action on Wednesday was extrajudicial. The October 21 court decision is therefore seen as an ex post facto justification.

Opposition Web Sites Blocked

¶22. (SBU) The well-known opposition Internet newspaper "Navigator" has lost its site (navi.kz) following the trademark registration of its name by a person who shares a business address with the Khabar state TV channel. On October 13, KazNic, the administrator of .kz domain names, informed Navigator that its domain name had been suspended based on an October 12 ruling of the Almalinskiy district court of Almaty. Navigator representatives say that they were not notified of the court hearing. KazNic representatives told the press that an individual named Sergey Bondartsev, the head of "Bond Creative Consulting Ltd.," created a clone of the Navigator newspaper registered the Navigator and Navi trademarks in September. Bondartsev reportedly listed his business address as 13 Republic Square, the same building as the Khabar state TV channel. On the basis of the trademarks, the court ordered KazNic to shut down any domains using variations of Navigator or Navi. The publication can now be seen at www.mizinov.net. Post has been told that the new site has been blocked within Kazakhstan for one month while bailiffs monitor it for "further trademark violations."

¶23. (U) On October 12, the Kakhar youth group was also informed that the Almalinskiy district court in Almaty had issued an order blocking access to the group's www.kakhar.org site. The ruling also prohibited the group from using the name "Kakhar," as it has been registered by the same Bond Creative Consulting Ltd.

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